

MINUTES OF REGULAR MEETING HELD AUGUST 11, 2020

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, August 11, 2020 at 8:00 p.m.

Mayor Brindle made the following announcements:

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 11, 2019. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Brindle Council Members, Habgood, Parmelee, LoGrippo, Katz, Mackey, Contract, Dardia, Boyes

ABSENT: None

Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom

FLAG SALUTE

Administrator's Update

- Provided an update on road paving and stated that North Chestnut Street is in the process of being paved, with expected completion this week and discussed grant funds awarded by Union County to offset the cost. Also mentioned that a small drainage project was completed on Maye Street. In addition, the Town has advertised for bids for the paving of North Scotch Plains Avenue, with an expected award of contract to be approved by Town Council on September 8, 2020. Stated that this project was completely offset with grant funds awarded by the State of New Jersey;
- Announced that forty roads are scheduled for either full or partial paving by utility companies, primarily Elizabethtown Gas, and that a list of those roads could be found on the Town's website. Explained that there have been some delays due to the pandemic so paving may be completed in the falloff 2020 or spring of 2021;
- Discussed a resolution to award a contract for the purchase and installation of playground equipment at Sycamore Park. The project is expected to take place over the next few months and would include a memorial to Terry DiFalco;
- Discussed the proposed ordinance pertaining to historic preservation and explained that a public hearing had been scheduled for tonight but would not be held because the ordinance would be amended. The ordinance, as amended, would be scheduled for public hearing on September 8, 2020.

Councilman LoGrippo requested an update regarding the traffic signal to be installed at Lamberts Mill Road and Rahway Avenue.

The Town Administrator stated that Union County would be advertising for bids shortly and that an update on the project would be provided at the next Public Safety, Transportation and Parking Committee meeting.

Mayor's Remarks:

- Thanked those who joined the meeting virtually and reminded all that public comment would only be accepted via Zoom, with live streaming for viewing only on Facebook. A replay of the meeting would also be available on Facebook, YouTube, and TV 36;
- Provided an update of COVID-19 and announced that today there were 185,475 confirmed cases of COVID-19 in New Jersey, with another 660 still under investigation. Currently, Union County has 16,749 cases, with Westfield reporting four new cases since her last update on Friday, one per day, bringing the Town's total to 355;
- Discussed Governor Murphy's proposal to provide long-term care facilities with \$155 million in additional funding as they reopen to meet COVID-19 challenges, ensure the health and safety of residents and staff, and allow for residents to safely reunite with loved ones. Stated that full details could be found at nj.gov/governor/news/news/562020/approved/20200810a.shtml

- Announced that the State's most recent transmission rate is now .94, after the number had spiked to a four-month high of 1.49 on August 2. In addition, today marks the 11th straight day the state has announced fewer than 500 new cases after seeing a trend in upticks late last month;
- Extended thanks to the Police, Fire, and Public Works departments for their tireless work preparing for and responding to last week's tropical storm, which has been an ongoing effort. As of this morning, the Police Chief reported that the remaining few street closures have been resolved, and the PSE&G website reports that all local power has been restored. Also thanked residents who utilized the Conservation Center to deposit storm debris. Stated that the Town would be extending the storm debris drop-off through Sunday, August 23 to help ensure broad access to the Conservation Center and reminded residents that no permit is required. In addition, thanked residents who assisted neighbors in need with this clean up. Extended a special thanks to the Lifelong Westfield team, especially co-chairs Brad Chanie and Deirdre Gelinne, Councilman David Contract, and Lauren Harmer from the Recreation Department, who coordinated debris pick-up for senior citizens in need of assistance and picked up quite a few loads themselves. Stated that she was there with her son today and was greeted by many grateful seniors;
- Explained that she recognizes that many residents are upset that the Town is not picking up storm debris, something that has only been done three times in the past nine years, most recently after the nor'easters in 2018. Also recognized that many surrounding towns are picking up storm debris, and that the Town fully anticipated the criticism that would come if it did not. Explained that this was a no-win situation for both the Town and residents based upon the experience in 2018. The decision was based more on limited capacity than budget constraints, although budget constraints were a consideration. Feels it is important to note that every town's issues, resources, and capabilities are different. For example, Westfield currently has over 7,500 Town trees lining its streets that it maintains, in addition to more than 10,000 trees in Town parks. Explained that DPW has to secure and clean up from Town trees and secure any unsafe park trees in public areas before they can even get to the street debris, something that would not have been possible for weeks. In that time, landscapers would likely dump non-storm debris in the street, creating piles that become street hazards and inhibiting storm water runoff. This is what happened in 2018 and led to a tremendous amount of residential complaints about the piles in the streets and the duration of the pickup. All other DPW tasks were put on hold during that time and feels it was a "nightmare" that the Town did not want to repeat unless absolutely necessary. That being said, acknowledged that the Town needs to find a solution in the future as the frequency of damaging storms is expected to increase, and that she would ask the Public Works Committee to assess and make recommendations for the future;
- Thanked the Westfield Public Arts Commission for coordinating Saturday's official launch of Art Takes Flight to recognize the talented artists behind the butterflies, as well as the generous sponsors who made the exhibit possible. Encouraged residents to take some time to check out the exhibit throughout the Downtown area. A full exhibit map is available on the Town's website at www.westfieldnj.gov/arttakesflight. Also mentioned that the second half of the mural is nearly complete under the South Avenue underpass and that work by Ricardo Roig would be formally unveiled with a ribbon cutting ceremony in the coming weeks;
- Discussed the "Caught Wearing a Helmet" event coordinated by the new Bike Safety Task Force and led by Council members Dardia, Contract, and Katz. Feels they have done a great job of kicking off this initiative to reward residents bicycling with helmets by providing vouchers to redeem prizes at local businesses. Explained that those that are "caught" should upload a photo of themselves and their voucher to the Town's website to qualify for the grand prize of a free bike. Full details are available at westfieldnj.gov/caughtwearingahelmet. Also thanked Outta Hand Pizza, Amoco, Manhattan Bagel, and Jay's Cycle Center for their support of this initiative;
- Thanked Regional Health Officer Megan Avallone for coordinating with Union County to bring their mobile COVID testing unit to Westfield Senior Housing, followed by Tamaques Park, on August 20. Details would be posted in the coming days about how to make an appointment to utilize this resource;
- Reminded residents that the Brightwood Park Bike Trail Information Sessions would be held on Thursday at 6:00 PM and Saturday at 11:00 AM. Members of the Recreation Commission, the Town Council, and JORBA (Jersey Off Road Bicycling Association) would be in attendance to discuss the recommendations from the Strategic Parks Plan regarding the possibility of adding safe bike trails in the park that would supplant and not interfere with the existing walking trails;

- Stated that there is an extremely full agenda tonight, including the introduction of proposed amendments to the Historic Preservation Ordinance in response to residents' feedback. HPC Chair Maria Boyes and Town Historian/HPC Board Member Robert Wendel are in attendance this evening to provide more details. Stated that she recognizes that some will think that these changes do not go far enough, and that she finds it very unfortunate that the spirit of these efforts seems to have been lost on many. This ordinance is intended to protect the few truly iconic historic properties that remain from being demolished, and it saddens her to see the cynicism and politicization by some that has turned this into the notion that the Town is "coming after" residents' homes. Referred to her recent letter in which she explained that most residents are "sick" of being known as the "town of teardowns" and having its historic homes demolished without the Town even being notified. Stated that she has been asked over and over again why something is not done about it, and now something is being done, which will be explained in Ms. Boyes' and Mr. Wendel's presentation tonight. Stated that while this ordinance revision may not be politically popular, she and most Councilmembers remain committed to doing what is right and necessary to ensure the preservation of the Town's architecture and history for future generations;
- Discussed the proposed designation of redevelopment areas and stated that representatives from the Town's redevelopment firm, Topology, are in attendance for a presentation about the eligibility of the Rialto and Lord & Taylor properties as areas in need of redevelopment. Stated that yesterday she shared a letter about the status of the Lord & Taylor property after last week's bankruptcy filing by its parent company, Le Tote. Reminded residents that while Le Tote filed for bankruptcy, the Lord & Taylor property in Westfield, totaling almost seven acres, is still owned by Hudson's Bay Company (HBC), and that they would ultimately be making the determination about what they do with their valuable real estate asset. Feels it is fortunate that the Town has had an active dialogue with HBC over the last two years in anticipation of this scenario as the retail landscape shifted, well before the pandemic, and because they are one of the Town's largest taxpayers, there is a very vested interest in working with them to ensure that the Town maintains and ideally maximizes the potential tax revenue from their site, while capitalizing on its potential to play a significant role in the transformation of the downtown. Tonight's anticipated redevelopment designation would provide next steps to continue this dialogue and have an ongoing "seat at the table" with HBC as they explore their options.
- Thanked a local student, Michael Naya, who contacted her to request that the Town honor one of the oldest surviving World War II veterans who resided in Westfield from 1963-2017. Peter Migliorini, now 94 and residing in Cranford, bravely served our country after being drafted at age 18, ultimately serving as a replacement at the Battle of the Bulge. He and his wife raised four children during their years in Westfield, all graduates of Westfield High School. Due to Michael's request, the Town recently presented Mr. Migliorini with a proclamation honoring his service in advance of this week's 75th anniversary of the armistice of World War II. Stated that she is grateful for his service, and for all of those who served so bravely as part of the Greatest Generation;
- Reminded all that she would once again be enforcing Robert's Rules this evening to ensure the meeting stays on topic and runs efficiently. Insisted that any comments that are not relevant to the particular business at hand, meaning the resolution or ordinance being discussed, be deferred to after Council committee reports and not in this meeting. The public would only be allowed to comment during the public comment portion and asked that Councilmembers refrain from asking questions or interjecting during the scheduled presentations. Explained that as presiding officer, she has an obligation to manage the Council meetings and will do all that she can to ensure that all stay on the agenda this evening.

APPOINTMENTS

PRESENTATIONS

Topology – Designation of Properties as Areas in need of Redevelopment

Phil Abramson of Topology presented the following regarding the proposed designation of properties as areas in need of redevelopment:

Lord & Taylor, Rialto Sites Preliminary Investigations



Prepared by: For: Date:
Topology Westfield Town Council August 11, 2020

Agenda

- 1 Process
- 2 Study Area Overview
- 3 Statutory Criteria
- 4 Property Evaluation
- 5 Conclusion + Next Steps

2

1. Process



Process: Overall

- **Initial Resolution:** Governing body authorized preliminary investigation to determine if the areas qualify as a **non-condemnation** areas in need of redevelopment on March 10, 2020
- **Due Diligence and Analysis:** Research on the condition of the properties in the study area.
- **Preliminary Investigation:** Analysis of study area and recommendation (reports submitted July 2, 2020).
- **Planning Board Review and Recommendation:** Planning Board public hearing on July 20, 2020.
- **Designation:** Governing body accepts, rejects, or modifies recommendation. **Two resolutions tonight.**

4

Process: Tonight's Report

Site Visits

- Aerial imagery and site inspections:
 - April 19, 2020 (both)
 - June 4, 2020 (L&T)
 - June 10, 2020 (Rialto)

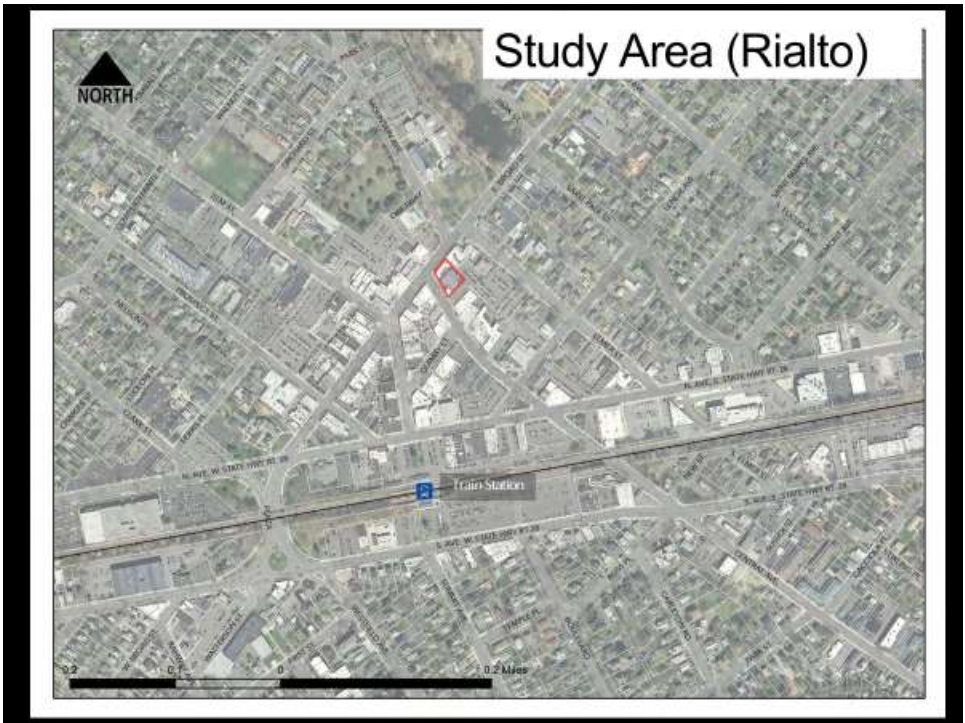
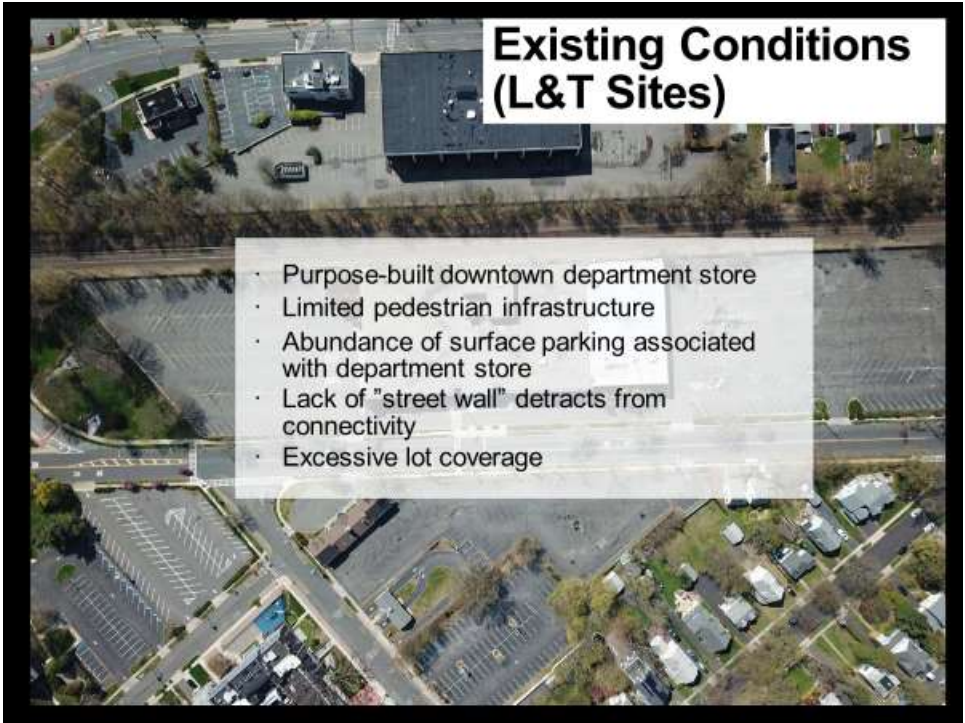
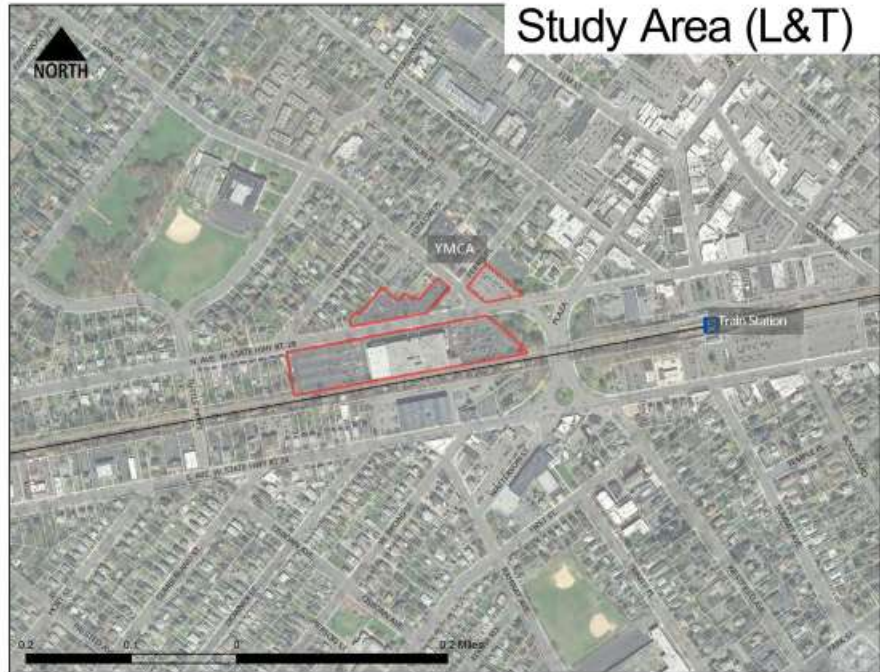
Documents Reviewed:

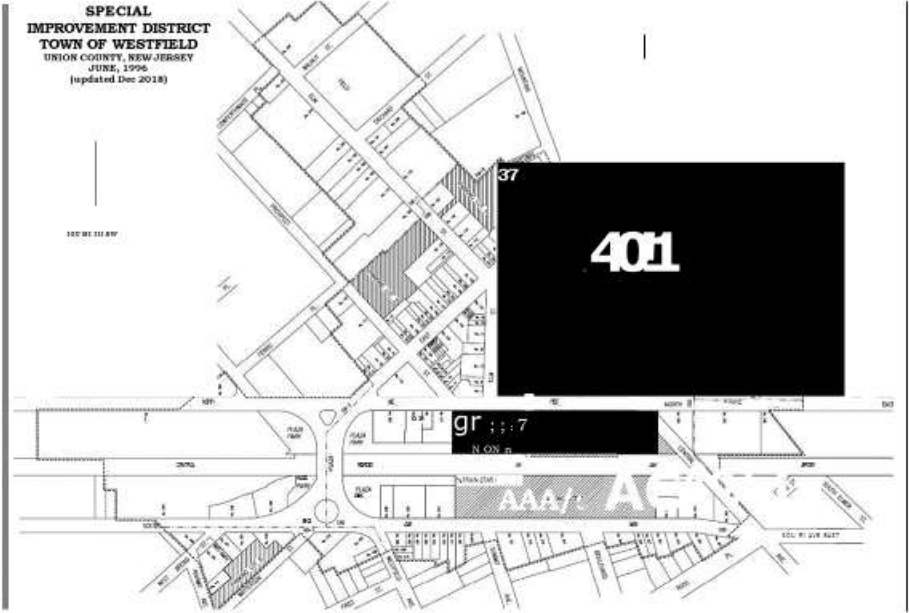
- Planning + zoning records
- Town Master Plan and Master Plan Reexamination
- Town zoning ordinance
- Available municipal records including tax maps
- Police records
- Tax assessor records including ownership information
- State tax records
- Sanborn maps
- Other planning documents prepared by Westfield stakeholders

5

2. Study Area Overview







Prior Planning

Downtown Westfield serves as the heartbeat of the community's commercial and social activities. It continues to be envisioned as [a] pedestrian-oriented and mixed-use center; it will offer a variety of housing choices, retail environments, and traditional and non-traditional office employment opportunities. New development will preserve and celebrate the Town's history and architecture and provide housing and destinations for shopping and services, all within an environment of tree-lined streets, pedestrian parks, and plazas.

-2019 Master Plan Reexamination

Prior Planning

Maintain and enhance the viability of the various business districts by: encouraging an appropriate mix of land uses that will complement one another and meet the retail and service needs of the Town; promoting a desirable visual environment and preserving the small town atmosphere in the business districts; providing or requiring the provision of sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of patrons and employees; promoting a desirable pedestrian environment in the downtown business district; and discouraging automobile-only oriented development in the central business district, including "strip malls."

-2002 Master Plan

13

3. Statutory Criteria



Area in Need of Redevelopment Criteria

Statutory Analysis (N.J.S.A. 40A:12A-5)

- a** Substandard, unsafe, unsanitary, dilapidated, or obsolescent buildings
- b** Abandonment of commercial buildings or disrepair rendering them untenable; significant vacancies for two plus years
- c** Vacant or publicly owned land unlikely to be developed with private capital due to location, access or topography
- d** Dilapidated, obsolescent, faultily arranged...buildings or improvements detrimental to the public safety, health, morals, or welfare.
- e** Stagnant and unproductive condition of land because of a condition of title or diversity of ownership.

15

Area in Need of Redevelopment Criteria

Statutory Analysis (N.J.S.A. 40A:12A-5 (cont.))

- f** Area of 5+ acres with improvements that have been destroyed by fire or natural disaster
- g** Adopted and approved Urban Enterprise Zones (which may be designated for tax abatements only)
- h** Designation is consistent with smart growth planning principles

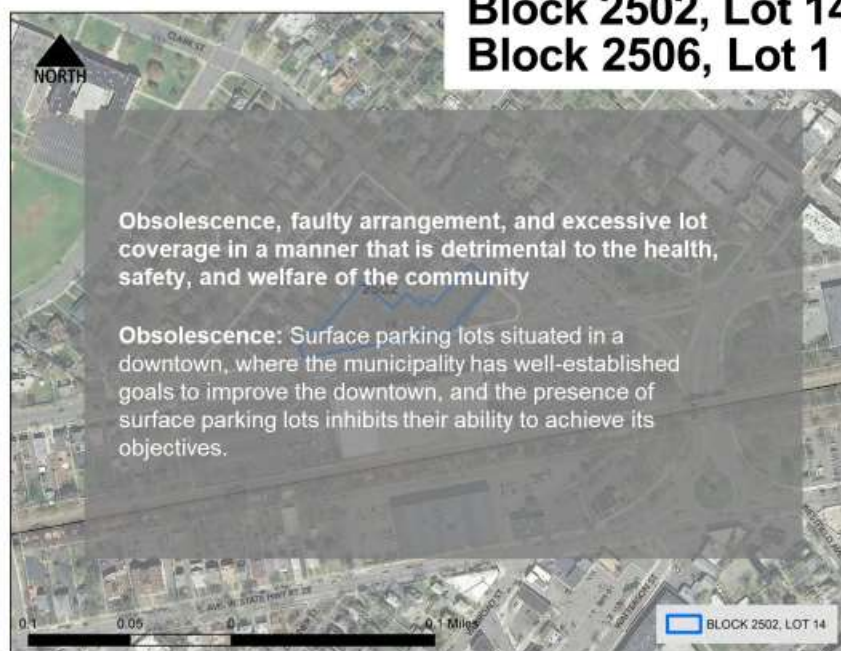
16

4. Property Evaluation



17

Block 2502, Lot 14; Block 2506, Lot 1



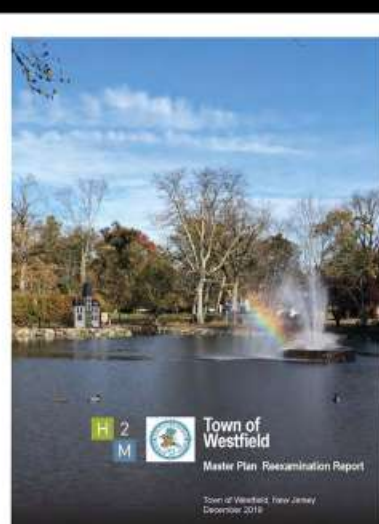
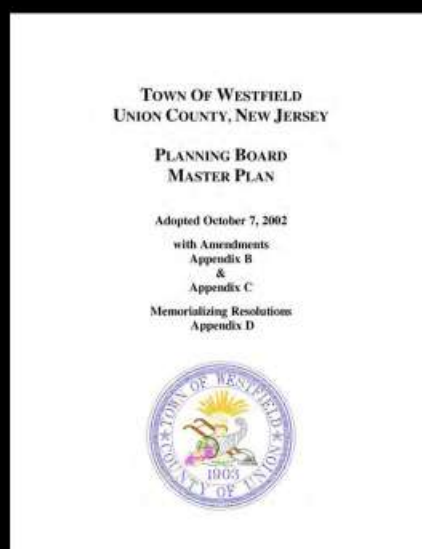
Surface Parking + Obsolescence

- In Concerned Citizens, Inc. v. Mayor and Council of the Borough of Princeton (Appellate Division, 2004), the Court upheld a finding that a downtown surface parking lot was evidence of obsolescence and qualified as an area in need of redevelopment under criterion D.
- Specific conditions, similar to those found in Westfield, were cited by the Court in Concerned Citizens:
 - Properties were located **downtown** where surface parking represented "yesterday's solution" in a setting where "structured parking is the new standard."
 - **Long-term efforts** had been underway to improve the downtown.
 - Parking lots inhibited the types of uses that would fulfill Princeton's objectives and redevelopment was projected to "serve the **public health, safety, and welfare** of the entire community."

19



Long-term efforts?



21

Health, safety, welfare?

Inefficiency argument (welfare): Surface parking lots are an inefficient way to provide parking. This comes at the expense of other uses.

Noncontributory argument (welfare): Downtown surface parking lots do not contribute to the functionality of the downtown beyond providing parking, a role they perform inadequately.

Design argument (health, safety, welfare): Surface parking lots exhibit design characteristics that are detrimental to the health, safety, and welfare of the community.

22

Block 2502, Lot 14



Address: 630 North Avenue West
Size: 1.134 acres
Owner: LT Westfield LLC, ATT H Grable
Use: Surface parking lot
Applicable Criteria: D, H
Assessed Value: \$1,478,000

Block 2502, Lot 14

- Detrimental to health, safety, welfare
 - Inefficiency (W)
 - Single level of parking excludes other potential uses
 - One parking space per 504 square feet of area
 - Noncontributory (W)
 - No functional value besides providing 98 spaces
 - Improvement value per acre: \$44,709
 - Creates a break in the street wall (lack of transition)
 - Design (H, S, W)
 - Parking lot lacks or has partially visible striping and directional painting
 - No pedestrian striping for crossing the lot
 - Wide drive lanes and tight turns
 - Excessive lot coverage



Block 2506, Lot 1



Address: 526 North Avenue
West Size: .6474 acres
Owner: LT Westfield LLC
Use: Surface parking lot
Applicable Criteria: D, H
Assessed Value: \$1,245,000

Block 2506, Lot 1

Detrimental to health, safety, welfare

Inefficiency (W)

- Single level of parking excludes other potential uses
- One parking space per 320 square feet of lot area

Noncontributory (W)

- No functional value besides providing 88 spaces
- Improvement value per acre: \$47,575
- Creates a break in the street wall (lack of transition)

Design (H, S, W)

- No pedestrian striping to facilitate safe crossings
- Broken, missing, compromised curbing
- Excessive lot coverage



Block 2508, Lot 11



Address: 601-613 North Avenue West
Size: 5.61 acres
Owner: LT Westfield LLC
Use: Retail and surface parking lot
Applicable Criteria: D, H
Assessed Value: \$22,138,500

Block 2508, Lot 11



Criterion D

*Areas with buildings or improvements which, by reason of dilapidation, **obsolescence**, overcrowding, **faulty arrangement** or design, **lack of ventilation, light and sanitary facilities**, **excessive land coverage**, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the **safety, health, morals, or welfare** of the community.*

29

Downtown Department Stores + Obsolescence

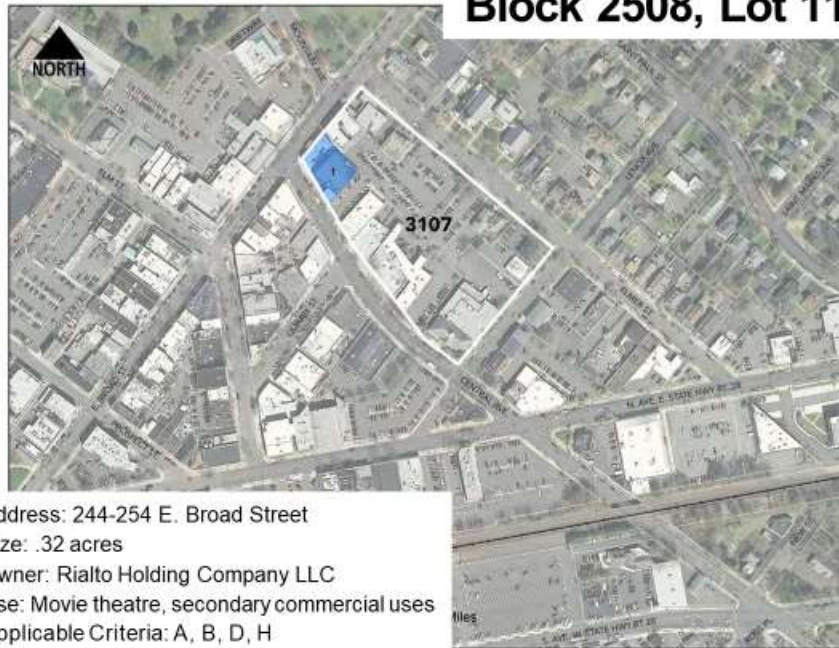
- In *Spruce Manor Enterprises v. Borough of Bellmawr* (1998) the Court relied on the following definition: ***“Obsolescence is the process of falling into disuse and relates to the usefulness and public acceptance of a facility.”***
- Downtown department stores are a legacy of a dated effort to see downtowns “[remade] like malls.” They contradict modern best practices for downtown development, including those in Westfield’s planning documents.
- Obsolescence of department stores results in declining economic performance (pg. 46-47)
 - High profile bankruptcies
 - Dramatic decline in sales, employees
- This trend is expected to continue:
 - ***“Retail-only may no longer be the highest and best use for many struggling malls and oversized retail assets that are well-positioned to transform into mixed-use town centers in the heart of communities where people want to live, work and play.”***
 - CBRE Real Estate Market Outlook 2020 ³⁰

Consequences of Obsolescence

- Obsolescent buildings and improvements on site are detrimental to the welfare of the community because they:
 - Threaten the stability of the municipality's tax base.
 - Inhibit the ability of the Town of Westfield to achieve its objectives and maintain the vibrancy of downtown.
- Obsolescent buildings and improvements on site are detrimental to the health, safety and welfare of the community because they diminish connectivity to the surrounding area, thereby discouraging pedestrian activity.
- Obsolescent buildings and improvements on site exhibit conditions of faulty arrangement that are detrimental to the health, safety and welfare of the community because they create hazardous conditions for pedestrians on site.
- Obsolescent buildings and improvements on site exhibit conditions of excessive lot coverage that are detrimental to the health and safety of the community because they exacerbate stormwater management issues.

31

Block 2508, Lot 11



Address: 244-254 E. Broad Street
 Size: .32 acres
 Owner: Rialto Holding Company LLC
 Use: Movie theatre, secondary commercial uses
 Applicable Criteria: A, B, D, H
 Assessed Value: \$5,286,600

Criterion A

Generality of buildings are obsolescent and unsafe and, as a result, create unwholesome working conditions and health and safety risks for the general public.

- Haphazard wiring and equipment updates
- Limited means of ingress and egress
 - Theatres are a "significant potential safety hazard" as per IBC
 - Site exhibits limited means of egress (narrow staircases, fire escape exits into narrow walkway)
- Water intrusion
 - Standing water observed in basement
 - Water intrusion associated with mold growth
- **Not a recommendation for**



33

Criterion B

Building previously used for commercial use...that has been allowed to fall into so great a state of disrepair as to be untenable.

- Theatre is vacant and unsuitable for tenancy.
- Major upgrades and system replacements necessary to function as a movie theatre
 - Lacks necessary infrastructure to function as a movie theatre (projection equipment, fixed seating in certain auditoriums)
- Criterion A issues (ingress/egress, water intrusion, wiring) need to be addressed for tenancy.



Criterion D

Characteristics of obsolescence, faulty arrangement, excessive land coverage, and obsolete layout, in a manner that is detrimental to the safety, health, and welfare of the community

- Obsolescence: Lacks amenities and infrastructure found in successful modern theatres of similar scale.
 - Obsolescence evidenced in vacancy. Vacancy detrimental to welfare.
- Obsolescence: Limited means of ingress/egress (faulty arrangement), haphazard wiring.
 - Detrimental to health, safety.
- Excessive land coverage: Conducive to flooding, stormwater management issues
 - Detrimental to safety, welfare.



Criterion H

Study Area exhibits characteristics of a Smart Growth area as identified by both the Smart Growth Network and United States EPA:

- Proximity to transit
- Established community center
- Land use form conducive to walkability
- Mixed land uses
- Distinct architectural character that could be enhanced via additional distinctive and contextually appropriate development

Smart growth consideration consistent with growth recommendations of State Plan, as further supported by EO 78.

All the properties qualify under Criterion H as designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Summary of Findings

- Study Area qualifies as a non-condemnation Area in Need of Redevelopment based on:

Lord & Taylor Sites

Block	Lot	Criteria							
		A	B	C	D	E	F	G	H
2502	14				X				X
2506	1				X				X
2508	11				X				X

Rialto Site

Block	Lot	Criteria							
		A	B	C	D	E	F	G	H
3107	1	X	X		X				X





Next Steps

- Initial Resolution:** Governing body authorization of preliminary investigation on March 10, 2020.
- Investigation Map:** Delineates the boundaries of the proposed study area.
- Preliminary Investigation:** Analysis of study area and recommended course of action.
- Planning Board Review:** Town Planning Board holds public hearing to review preliminary investigation for recommendation to governing body.
- Designation:** Governing body resolution that accepts, rejects or modifies recommendations.
- Planning:** Policy and regulatory framework for redevelopment.
- Plan Adoption:** Ordinance adopting the Plan as an amendment to Zoning. 41



Councilman LoGrippe stated that residents are concerned with these designations because of the PILOT programs typically associated with redevelopment and requested an explanation of PILOT programs.

Mr. Abramson discussed the concept of property assessments for calculating property taxes and explained that the legislature realized that redevelopment can be expensive. As such, municipalities were provided with the option of PILOT programs for redevelopment projects. Stated that he would not recommend a PILOT program unless it did not provide additional tax revenue to the Town beyond what is currently realized. Also discussed different formulas that could be used for PILOT programs.

Councilman LoGrippo expressed concern with the potential negative impact a PILOT program could have on the school system.

Mayor Brindle feels it is premature to have this conversation at this time because it would be discussed in further detail when a project materializes.

Historic Preservation Commission Presentation

Maria Boyes and Robert Wendel presented the following in connection with the propose historic preservation ordinance:



Master Plan 2002: Goals and Objectives

- The 2002 Master Plan recommended that the Town of Westfield apply to the Office of New Jersey Heritage to receive **Certified Local Government** status (CLG)
- As a CLG, Westfield would be eligible for special **Historic Preservation Fund** grants



Certified Local Government Program

- The Certified Local Government (CLG) program offers municipalities the opportunity to participate in **state and federal historic preservation programs**. Participation requires that a municipality have a historic preservation ordinance and historic preservation commission conforming to the specifications of both the Municipal Land Use Law and the National Park Service approved New Jersey Certified Local Government Guidelines.
- As a CLG, the community is eligible to apply for **Historic Preservation Fund (HPF) grants** for a variety of local preservation activities.

Historic Preservation Fund Grants

Goals of Historic Preservation Fund Grants: to identify all buildings, sites, and districts which are significant in American historic, architecture, archaeology and engineering, and which meet the criteria for inclusion in the National Register of Historic Places as well as to design and implement planning tools for the protection of these resources. Typical projects include:

- | | |
|--|--------------------------------------|
| • Historic Preservation Plans | • Preservation Education Projects |
| • Historic Resource Surveys | • Historic structures reports |
| • National Register Nominations | • CLG Training Opportunities |

2019 Master Plan Reexamination: Guiding Principles

- As we grow, we will **strive to preserve the attributes of our unique, hometown character and community identity**, the beauty of our natural environment, and the strengths of our neighborhoods, while lessening the adverse effects of growth
- We will **retain the best qualities of a small town and respect its heritage**, while embracing the opportunities that new technologies, programs and concepts in urban design provide
- We will **maintain and enhance the historic and human orientation of our Downtown** as the center of our community

2019 Master Plan Reexamination: Guiding Principles

- We realize that **architectural and land use design is fundamental to our identity**
- As Westfield progresses into the future, special attention will be given to **promoting high quality residential and commercial development that reflects aesthetic excellence**
- We will **preserve our single family neighborhoods while providing housing choices that will allow people to age in place**

Master Plan Reexamination Results

- **80%** of survey respondents agreed that historic preservation is a worthwhile goal for the Town
- Preservation of historic properties **strengthens neighborhoods by raising home values** and adding local character, charm, and a sense of **civic pride**
- Preservation creates **positive economic benefits by building on the existing and unique assets of an area**, which in turn attracts visitors, new residents, and investment
- **Historic preservation is an excellent agent for managing growth and change**

Master Plan Reexamination: Demolitions

- One of the most concerning trends that came up in the re-exam survey is the **teardown of older homes** which are then replaced by larger homes on the same sized residential lot. In addition to the dislike of these **overdeveloped lots**
- According to the Zoning Department, **2000 to 2015**, there was a net loss of **643** housing units due to demolition (6 in 2000, 85 in 2015)
- In the next 4 years, from **2016 to 2020**, there were **an additional 259 demolitions**



RECENT DEMOLITIONS:

Since the year 2000, over 900 homes have been razed and replaced with new construction. Here are a few



RECENT DEMOLITIONS:

Changing the Economic Diversity of our Town



Ernest Flagg - renowned beaux-arts style architect, built the Singer Tower and the Scribner Building in NYC, as well as the Corcoran Gallery of Art in D.C. but also known for these English Style stone cottages. This one featured in his 1922 book *Small Houses: Their Economic Design and Construction* is now gone.



Existing Historic Preservation Ordinance

- The existing ordinance was **created in 1984** with revisions in 2008 and was approved by the Town Council in 1986 in an effort to protect the town's history.
- Existing ordinance is **direct conflict** with the MLUL, as it includes a voting procedure for the creation of any historic district.
- The existing ordinance includes **inadequate wording** regarding what kinds of changes would trigger a minor versus a major submission for a COA.

Enabling Legislation of the MLUL

- Municipalities in New Jersey **obtain their authority** to identify, evaluate, designate, and regulate historic resources (individual sites and districts) from the **Municipal Land Use Law (MLUL)**.
- The **historic preservation ordinance is an extension of the municipality's zoning laws**, and should be tailored to the community's character and historic preservation goals.



Proposed Revision: Historic Preservation Ordinance

- Lowers the threshold from the existing ordinance for petitions of protest (20% vs. 25%)
- Institutes a requirement for a super majority vote of $\frac{2}{3}$ of the Town Council to override written petition of protest
- The HPC has advisory input only. This adds an Historic Commission review process step for any site plan, subdivision, or variance request related to properties identified in the Historic Plan Element of the MP with those already designated.



Proposed Revision: Historic Preservation Ordinance

Based on feedback from designated homeowners:

- Removes the requirement to submit exterior paint colors to the HPC for approval
- Removes the fees associated with submitting an application for a Certificate of Appropriateness



Proposed Revision: Historic Preservation Ordinance

Based on feedback from designated homeowners:

- Adds an informal review process to expedite understanding of proposed plans
- Adds the ability to waive items for non-relevancy when reviewing Certificates of Appropriateness submissions



Proposed Revision: Historic Preservation Ordinance Misconceptions

- The Historic Preservation Commission - Advisory Board Unchanged from existing ordinance.
- The HPC only has purview over changes to the exterior of homes. The HPC has no jurisdiction over any interior modifications. Unchanged
- The criteria utilized by the Historic Preservation Commission in the creation of advisory reports is based on the National Register of Historic Places Criteria of Eligibility(36 CFR 60.4). Unchanged



Proposed Revision: Historic Preservation Ordinance

- Includes a demolition provision review process for homes built prior to 1930
- Provides visibility into demolition before destruction of historical assets.
 - Allows time for possible designation by the Town Council (National Register of Historic Places Criteria 36 SFR 60.4)
 - HPC and Planning Board input



Historic Preservation Ordinance Revision: Benefits

- Provides for HPC review **before a subdivision is granted** aiding in public oversight
- Improves communication between PB/BoA/HPC
- Provides CLG option gaining access to historic preservation programs/funds to aid in historic preservation.
- Facilitates a more in-depth understanding of historical significance **before a demolition permit is issued**



Economic Benefits to Historic Preservation

- Rehabilitation offers a **higher return on investment** in terms of job creation than new construction or manufacturing. (Center for Urban Policy Research, Rutgers Univ.)
- For every \$1 million spent on rehabilitation, **14.6 jobs are created** (Delaware Division of Historical and Cultural Affairs)
- Preservation work depends more heavily on the work of craftsmen than the purchase of raw materials. **Preservation more directly benefits local businesses than new construction.** Community preservation attract visitors, new residents, and investment.



Economic Benefits to Historic Preservation

- Nearly all Millennials (**97%**) feel it's important to preserve and conserve buildings, architecture, neighborhoods, and communities (Millennial Research Report from National Trust for Historic Preservation 2017)
- **Historical downtowns:** \$252 in sales per visit compared to \$157 for non-historical towns
- Restoring older commercial and residential buildings is **environmentally responsible**. Preservation, as a form of infill development, provides usable and attractive buildings on land that is already developed reducing reliance on environmentally unfriendly building materials and energy intensive production of new building materials



Listening to Public Input: Proposed Amendments

1. The special demolition review requirements for non-designated pre-1930's homes should apply to the removal, destruction or demolition of more than 75% of the applicable structure or building, and/or more than 25% of the façade.
2. The proposed HPC ordinance, and the general demolition ordinance (sections **8-5 through 8-11** of the Town Code) should be amended to make clear that the special historic review process for demolitions is a zoning review that precedes other general demolition requirements.
3. The proposed HPC ordinance should be amended to permit a property owner to request informal HPC review of pre-1930 structures in connection with the special historic review process for demolitions.
4. The proposed HPC ordinance should be amended to shorten the timeframe for special historic review of demolition applications.

Listening to Public Input: Proposed Amendments

5. The proposed HPC ordinance should be amended to clarify that, even if a pre-1930 home meets the historic designation criteria, the HPC may recommend, but is not required to recommend, that the home be designated as historic.
6. The proposed HPC ordinance should be amended to make more explicit that minor work being undertaken by property owners of historically designated properties need not go through the formal certificate of review process.
7. The proposed HPC ordinance should be amended to indicate that, to the maximum extent feasible, at least one member of the HPC should own a property in a designated historic district or a designated historic landmark.
8. The Mayor and Council should move forward with an "area in need of rehabilitation" designation, in order to incentivize historic preservation and benefit property owners who have already historically designated.

Frequently Asked Questions/Contact Info

- FAQs on HPC page of town website
- Email HPC@Westfieldnj.gov

"Properties within local historic districts appreciate at rates greater than the local market overall and faster than similar non-designated neighborhoods"

- Donovan Rypkema, Professor at University of Pennsylvania and author of *The Economics of Historic Preservation: A Community Leader's Guide*



ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2177

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ESTABLISH AND REGULATE BOARDING HOUSES

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2178

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, RELATING TO SOLAR ENERGY SYSTEMS

Advertised returnable this evening.

Walter Korfmacher, 252 Hazel Avenue, expressed his support for General Ordinance No. 2178 which allows for street facing solar panels without a variance, provided certain aesthetic criteria is met. Although he suggested a total repeal of the current ordinance, he believes the updated version would be acceptable to most people and should allow those who want to install solar panels to do so regardless of whether the roof is street facing or not. Dr. Korfmacher also stated that he hopes residents would now consider adding solar panels to their homes and that the Town would look for ways to add solar panels to municipal properties.

Hearing no further comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2180

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO WALL-MOUNTED SIGNS FOR CORNER LOTS

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2181

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF ACCESSORY BUILDING OR STRUCTURE

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2182

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO DIMENSIONS OF GARAGE PARKING SPACES

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2183

AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD (**Note: Ordinance to be amended. Public Hearing will not be held**)

The public hearing for General Ordinance No. 2183 will not be held because this ordinance will be amended.

GENERAL ORDINANCE NO. 2184

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13 (Mid-Block Crosswalks)

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2185

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13 (Fourth Avenue Parking Restrictions)

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2177 - AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ESTABLISH AND REGULATE BOARDING HOUSES." by Councilwoman Mackey, seconded by Councilman LoGrippe, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood
Parmelee
LoGrippe
Katz

Nays:

Absent:

Mackey
Contract
Dardia
Boyes
Mayor Brindle

An ordinance entitled, “GENERAL ORDINANCE NO. 2178 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, RELATING TO SOLAR ENERGY SYSTEMS.” by Councilwoman Mackey, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippo		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

An ordinance entitled, “GENERAL ORDINANCE NO. 2180 - AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO WALL-MOUNTED SIGNS FOR CORNER LOTS.” by Councilwoman Mackey, seconded by Councilman Dardia, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippo		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

An ordinance entitled, “GENERAL ORDINANCE NO. 2181 - AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF ACCESSORY BUILDING OR STRUCTURE.” by Councilwoman Mackey, seconded by Councilman Katz, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippo		
Katz		
Mackey		
Contract		
Dardia		

Boyes

Mayor Brindle

An ordinance entitled, “GENERAL ORDINANCE NO. 2182 - AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO DIMENSIONS OF GARAGE PARKING SPACES.” by Councilwoman Mackey, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippto		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

An ordinance entitled, “GENERAL ORDINANCE NO. 2184 - AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13 (Mid-Block Crosswalks).” by Councilman Dardia, seconded by Councilwoman Habgood, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippto		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

An ordinance entitled, “GENERAL ORDINANCE NO. 2185 - AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13 (Fourth Avenue Parking Restrictions) by Councilman Dardia, seconded by Councilman Parmelee, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippto		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

BIDS

MINUTES

On a motion by Councilwoman Mackey and seconded by Councilman Dardia, Council approved the Minutes of the Town Council Regular Meeting held July 14, 2020.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Mayor Brindle opened the public comment portion of the meeting and asked if there were any questions or comments.

Jacqueline Brevard, 266 West Dudley Avenue, discussed her support for the Historic Preservation ordinance. Mentioned that she was proud to designate her home and is one of five people on her block who signed consent forms for historic designation prior to the pandemic, otherwise she believes more would have consented. Stated that she is hoping that the remaining residents would agree to designate the block as a Historic District. Also expressed her disappointment when she sees historic structures being removed or knocked down throughout the Town. Lastly, mentioned that she is currently a member of the Historic Preservation Commission.

Sherry Hines, 28 Stoneleigh Park, discussed her concerns with the Historic Preservation ordinance. Feels there are many senior citizens who rely on reverse mortgages and believes banks would not be willing to approve reverse mortgages on homes that were built before 1930 because of this ordinance. Stated that she also finds it interesting that there is discussion about preserving historic homes while the Town is considering the designation of Lord & Taylor, the Rialto and parking lots as areas in need of redevelopment because they are obsolete. Feels redevelopment would lead to apartments being built. Mentioned that the presentation conducted by Topology earlier this evening included apartments and more retail space in those areas. Feels renters do not have a vested interest in the Town because they do not pay property taxes. Also referred to comments that millennials tend to have an interest in historical homes and stated that a study was conducted recently which indicated that millennials are “falling behind” financially because of the pandemic. Lastly, suggested that councilmembers designate their homes as historic if they meet the criteria as a way of showing their support for the ordinance.

Michael Blancato, 18 Carol Road, commended Ms. Brevard for designating her home as a historic landmark. Feels that people who designate their home should be provided with some sort of tax incentive. Also feels the current ordinance could have been modified with minor revisions in order to comply with Municipal Land Use Law as opposed to revamping the entire ordinance. Stated that he spoke to some councilmembers and has a better understanding of the ordinance. Also feels Maria Boyes gave a great presentation but mentioned that some of the photos in the presentation were homes constructed post 1930. Expressed concern with the impact this ordinance would have on him financially if he plans to sell his home. Feels the ordinance needs further review with further revision to specific terms. Also feels it should be done during an-person Town Council meeting. Expressed concern that he and many others do not know if their home has any historical significance and how this ordinance might impact them. Commended Mayor Brindle for her vision of change but believes this ordinance would impact change in a negative way.

John Blake, 809 Carleton Road, discussed the cleanup from the previous week’s storm. Stated that many storms are predicted, with an expected increase in hurricanes in the future. Stated that he was surprised that the Town seemed unaware of these weather predictions and that funds were not appropriated for overtime for these storms. Believes it is the Town’s responsibility to maintain and keep the right of way and streets clean, specifically to ensure emergency vehicle access. Stated that it is his recollection that the Town has always removed storm debris despite Mayor Brindle’s comments to the contrary. Explained that he has no problem with elective use of overtime but feels overtime is necessary in certain instances. Discussed overtime incurred for events such as AddamsFest, the painting of the rainbow crosswalks, and the Black Lives Matter demonstration and does not understand why debris cleanup would be considered elective overtime. Further stated that if landscapers place debris at the curb then enforcement is needed. Discussed volunteer efforts of residents and councilmembers to remove storm debris. While he commends the volunteer effort, feels it is unnecessary since residents pay taxes and the Town should be better prepared for storms.

Gregory Kasko, 434 Everson Place, referred to a comment that was made by former Councilman Frank Arena during the July 14, 2020 Town Council Meeting whereby Mr. Arena suggested painting a blue line or raising a flag to recognize the Westfield Police Department. Mr. Arena also asked Mayor Brindle for her position on the proposed defunding of police departments. Stated that in previous years, Mr. Arena supported a 20% reduction in the Police Department’s budget. Feels former Councilman Arena’s comments were hypocritical and political. Lastly, thanked Councilwoman Mackey for her assistance in putting him in contact with a local church that would be starting a food pantry. Explained that he regularly donates to a food pantry and would like to help supplement other food pantries in Town.

Mary Anne Healy Rodriguez, 628 Embree Crescent, stated she is a newly appointed Historic Preservation Commission member and that she “echoes” the comments of Ms. Brevard.

Explained that she joined the Historic Preservation Commission because she feels that Westfield's homes are a reflection of the individuals who live in Westfield. Also stated that her home is a pre-1930 Tudor and that she plans to designate it as a historic landmark. Thanked Maria Boyes and Robert Wendel for their presentation and hopes others would consider designating their home as a historic landmark.

Robin Ratkowski, 107 Hazel Avenue, discussed her input concerning the Historic Preservation ordinance during prior meetings. Thanked the Town Council for hearing the concerns of residents and for delaying the adoption of the ordinance. Explained that she is concerned with the ordinance with respect to the potential future sale of her home and feels developers would not be interested in purchasing her home, or would require certain contingencies, as a result of this ordinance. Discussed the amendment to the ordinance that allows for an informal review of a pre-1930 home and requested clarification as to the process involved with an informal review.

Ken Mersky, 625 Wentz Avenue, discussed the Historic Preservation ordinance and feels there is good intention but questions whether the designation would remain if the home is sold. Feels the ordinance needs to be restructured and believes broader language is needed.

Liz Loland, 318 South Euclid Avenue, commended those who are willing to designate their home as a historic landmark. Requested that the Town Council amend the ordinance to remove the provision that allows the Town to designate a property as historic without the homeowner's consent. Feels it is infringing on homeowner's rights. Additionally, feels that the process is underhanded and that further consideration of this ordinance should be delayed until after the summer and when meetings could be held in-person. Stated that she is disappointed with the direction of the current Town Council and strongly feels historic designation should be by homeowner consent only. Informed the Town Council that she was asked to designate her home as historic years ago to which she was opposed. Reiterated her request that the Town Council remove language from the ordinance that would allow designation without the homeowner's consent. Also feels that due to the recent recognition of the Historic Preservation Commission, many residents might be inclined to voluntarily designate their home as a historic landmark.

Councilman LoGrippe informed Ms. Loland that he voted against the Historic Preservation ordinance when it was introduced.

Deirdre Gelinne, 131 North Euclid Avenue, stated that the historic preservation process has been voluntary, yet hundreds of homes were demolished. Also stated that during the Master Plan process, many residents expressed concern with the preservation of homes with historic significance and feels many people move to Westfield due to the historic character of its homes. Stated that she supports her entire block being designated as historic. Also stated that the process concerning this ordinance has been extended because it would not be voted on until September 8, 2020, and while all would like to meet in person, it is not possible at this time due to COVID-19.

Resident, 104 Hazel Avenue, stated that he agrees with Ms. Loland and feels the Town does not have the right to designate a home as historic without the homeowner's consent. Also requested clarification as to the year 1930 being chosen as the benchmark for historical significance. Feels designation depends upon the home and not by the year it was constructed. Stated that historic homes are very costly to maintain and believes the Town should not impact residents' rights. Reiterated his previous statement and feels a homeowner must consent to historic designation.

Mayor Brindle thanked Ms. Brevard and Ms. Healy Rodriguez for designating their homes as historic landmarks. Also addressed comments concerning in-person meetings and stated that she disagrees with those comments because there has been more citizen participation via Zoom. In addition, it is unknown as to when the Town Council would meet in person again, and the current capacity of council chambers is only 25 persons under the current guidelines. Explained that the business of the Town must continue through this pandemic and cannot be put on hold. Referred to Mr. Blancato's comments and feels many homes could be "lost" if the Town were to delay action on this ordinance. Explained that the Town is not aware of demolitions until the home has already been destroyed because the current ordinance does not include a requirement that the Town be notified. The point of the ordinance is to ensure that the Town is notified in order to allow for a "conversation" before a home is torn down. Also referred to Mr. Blancato's comment concerning real estate taxes and stated that it reminded her of a conversation she had with a developer. This developer believed the Town should be grateful for all of the demolitions because they are improving real estate values. Stated that she could not disagree with that statement more and using that logic, every home and building in Town might as well be torn

down. Also mentioned that it is her understanding that Ms. Ratkoski's home was constructed in 1930, and if that is correct, Ms. Ratkowski would not be impacted by this ordinance. Suggested that Councilwoman Mackey contact Ms. Ratkowski to confirm this. Lastly, addressed comments by the resident of 104 Hazel Avenue and believes his comments are a misunderstanding of the ordinance and suggested that Councilwoman Mackey contact this resident as well.

Hearing no further comments, Mayor Brindle closed this portion of the meeting.

BILLS AND CLAIMS

On motion by Councilwoman Habgood, and seconded by Councilman LoGrippe, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$1,461,941.92 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

Councilwoman Habgood provided an update of the Town's finances due to budget reductions from the pandemic. The Finance Policy Committee has been tracking the finances monthly and has reported tax collection is strong and expenses are tracking closely with the budget.

The following resolutions, introduced by Councilwoman Habgood, and seconded by Councilman Contract, were unanimously adopted.

Resolution No. 163

RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$13,556.00 to the TREASURER, STATE OF NEW JERSEY for the first quarter Construction Official's State permit fees for 2020.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton , New Jersey 08625-0802.

Resolution No. 164

RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$12,520.00 to the TREASURER, STATE OF NEW JERSEY for the second quarter Construction Official's State permit fees for 2020.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton , New Jersey 08625-0802.

Resolution No. 165

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Robert Saunders	Lot 8	#20080180	\$250.00
241 North Avenue			
Westfield, NJ 07090			

Resolution No. 166

WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
BOA 20-26	Tamar Eckstein	15 North Cottage Place	0-05-560-813	\$250.00
Return to:	Tamar Eckstein	15 North Cottage Place	Westfield NJ	07090

Resolution No. 167

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$32.40 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of July 2020.

Resolution No. 168

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Mr. Jonathan Garcia
272 Delaware Ave.
Union, NJ 07083

Amount of refund: \$975.00

Resolution No. 169

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

Name	Account	Class	Fee
Christopher Ropiak 1309 Rahway Ave Westfield, NJ 07090	#195 Membership Refund 9-03-55-920-202	Pool Membership 2020 Resident/Family 4 or less Christopher Ropiak Family	\$420.00
Chrissy Booher 200 E Dudley Ave Westfield, NJ 07090	#195 Membership Refund 9-03-55-920-202	Pool Membership 2020 Resident/Family of 5 or more Booher Family	\$520.00
Maggie Coyne 309 Ayliffe Ave Westfield, NJ 07090	#195 Membership Refund 9-03-55-920-202	Pool Membership 2020 Resident/Individual Maggie (Marjorie) Coyne	\$195.00
Michael MacFarlane 862 Nancy Way Westfield, NJ 07090	Tennis/Rec T-05-600-071	Pickleball/Summer Session 2 / Aug 24-27 James MacFarlane	\$110.00
Matt Kovalakides 732 St Marks Ave Westfield, NJ 07090	Tennis/Rec T-05 -600-071	Playground 2020 Refund/Washington School Bennett Kovalakides	\$195.00
Lindsay Cuffaro 232 Clark Street Westfield, NJ 07090	Tennis/Rec T-05-600-071	Playground 2020 Refund/Franklin School Alannah Cuffaro	\$195.00
Cara Sluberski 641 Norwood Drive Westfield, NJ 07090	Tennis/Rec T-05-600-071	Playground 2020 Refund/Tamaques School (\$215.00) Refund/Bowling (\$33.00) Refund/Gagasphere (\$30.00) Refund/Extra T-Shirt (\$5.00)	\$283.00
Jillian Brand 204 Lenox Ave	Tennis/Rec T-05-600-071	Playground 2020 Refund/Washington School (\$195.00)	\$295.00

Apr #1		Refund/Kidoolo	(\$37.00)
Westfield, NJ 07090		Refund/Bowling	(\$33.00)
		Refund/Gagasphere	(\$30.00)
Barbara St. John	Tennis/Rec	Playground 2020	\$263.00
112 S Scotch Plains Ave	T-05-600-071	Refund/McKinley	(\$195.00)
Westfield, NJ 07090		Refund/Bowling	(\$33.00)
		Refund/Gagasphere	(\$30.00)
		Refund/Extra T-Shirt	(\$5.00)
Kyle Richards	Tennis/Rec	Playground 2020	\$237.00
407 Park St	T-05-600-071	Refund McKinley	(\$195)
Westfield, NJ 07090		Refund/Kidoolo	(\$37.00)
		Refund/Extra T-Shirt	(\$5.00)
Ken Comandatore	Tennis/Rec	Playground 2020	\$590.00
58 Summit Ct	T-05-600-071	Refund Jefferson	(\$195)
Westfield, NJ 07090		Refund/Kidoolo	(\$37.00)
		Refund/Bowling	(\$33.00)
		Refund/Gagasphere	(\$30.00)
		Matthew Comandatore	
		Refund/Jefferson	(\$195.00)
		Refund/Kidoolo	(\$37.00)
		Refund/Bowling	(\$33.00)
		Refund/Gagasphere	(\$30.00)
		Nicholas Comandatore	
Lisa Quackenbush	#195	Pool Membership 2020	\$573.00
744 Tamaques Way	Membership Refund	Non-Resident/Couples Membership	
Westfield, NJ 07090	9-03-55-920-202	Adric and Jacque Quackenbush	

Resolution No. 170

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2020:

Block/Lot/Qualifier		Quarter/Year
Name	Property Address	Amount
2909/11.0103	540 Coddington Road	3 rd /2020
Dushak, Eduard & Lerman, Svetlana		\$4,913.41

Resolution No. 171

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2016-2019 pursuant to the Tax Court of New Jersey:

Block/Lot			
Name	Address	Year	Amount
301/4	29 Barchester Way	2019	\$840.65
Raiff, Marc H & Pamela C			
404/5	420 Quantuck Lane	2019	\$602.00
Greene, David A & Silvana			
Checks payable and mail to:			
Ventura Miesowitz et al Trust Account			
Ventura, Miesowitz, Keough & Warner			
783 Springfield Avenue			
Summit, New Jersey 07901-2332			

2003/6.02	102 Golf Edge	2019	\$5,921.10
Weldon, Robert F, III & Maria L			

3116/10	138 Central Avenue	2016	\$2,857.80
Dair Realty LLC & Winwest Central		2017	\$4,708.28
Check payable and mail to:		2018	<u>\$5,327.37</u>
Blau & Blau Attorney for Dair Realty LLC & Winwest Central			\$12,893.45

3113/20	217 Elmer Street	2016	\$3,638.93
Berse Realty, LLC		2017	\$3,723.74
Check payable and mail to:		2018	<u>\$3,747.80</u>
Michael A. Vespasiano, Attorney Trust Account			<u>\$11,110.47</u>
Law Office of Michael A. Vespasiano			
331 Main Street			
Chatham, NJ 07928			

Resolution No. 172

WHEREAS, a need exists for the purchase and installation of playground equipment for Sycamore Park; and

WHEREAS, Ben Shaffer Recreation Inc. P.O. Box 844, Lake Hopatcong, NJ 07849, has submitted a cost proposal for this purchase in the amount of \$66,388.02; and

WHEREAS, Ben Shaffer Recreation Inc. is authorized to offer playground systems, installation, service and related items through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; and

WHEREAS, this equipment would be sufficient to meet the needs of the Town of Westfield; and

WHEREAS, the New Jersey Local Public Contracts Law (40A:11-3) requires that purchases through a Cooperative Purchasing Agreement be authorized by resolution of the governing body; and

WHEREAS, the Town of Westfield applied for and was awarded funds for this project through the Union County Open Space, Recreation and Historic Preservation Trust Fund, Kids Recreation Trust Grant in the amount of \$30,000 to offset the total cost; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment of \$36,388.02 to be charged to the Park Improvement Trust Fund (T-05-600-076) and \$30,000.00 to be charged to Kids Recreation Trust Fund Grant (0-01-55-900-232) under PO #20-02472 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield hereby authorizes an award of contract to Ben Shaffer Recreation for the purchase and installation of playground equipment for Sycamore Park through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; and

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

Resolution No. 173

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THERFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$10,000.00, which is now available from Sustainable Jersey Grant – Gardinier Environmental Fund; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Sustainable Jersey – Gardinier Environmental Fund	\$10,000.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Resolution No. 174

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THERFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$52,400.00, which is now available from the Union County Open Space, Recreation and Historic Preservation Trust Fund – Kids Recreation Trust grant; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Kids Recreation Trust Fund	\$52,400.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Resolution No. 175

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THERFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$5,000.00, which is now available from the Union County Open Space, Recreation and Historic Preservation Trust Fund – 2019 Greening Union County grant; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
2019 Greening Union County grant	\$5,000.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Resolution No. 176

WHEREAS, by resolution 138-2020, adopted June 30, 2020, \$5,620.01 was added as an item of revenue and appropriation via N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948), from the Division of Criminal Justice for Body Armor, and

WHEREAS, it was subsequently determined that this resolution was a duplicate of Resolution 292-2019, adopted December 10, 2019;

NOW, THERFORE, BE IT RESOLVED that the Town of Westfield hereby requests that the Director of the Division of Local Government Services rescind the duplicate resolution for the budget year 2020 in the sum of \$5,620.01.

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Resolution No. 177

WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis and has been a member since 1994; and

WHEREAS, the Bylaws of said funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Town of Westfield solicited requests for proposals for such services in accordance with G.O. 1753 of the Town of Westfield; and

WHEREAS, the Bylaws indicate that the commission rate shall not exceed six percent (6%) of the Member’s Annual Assessment; and

WHEREAS, Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068 submitted a proposal to perform such services outlined for two percent (2%) of annual assessment; and

WHEREAS, the Bylaws of the aforesaid Fund require that in such case the municipality will make payment for such professional services directly to the Risk Management Consultant.

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer of the Town of Westfield be, and hereby is, authorized and directed to draw warrant to the order of Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068, in the sum of \$11,663.32 representing the first half of the annual assessment.

Resolution No. 178

BE IT RESOLVED, that the Treasurer of the Town of Westfield be and he is hereby authorized and directed to draw the necessary 3rd & 4th quarterly assessment warrants and issue same to the County of Union, via wire transfer, as follows:

	County Purpose Tax	Open Space Tax
2020 3 rd Quarter	\$9,590,194.90	\$305,117.01
2020 4 th Quarter	9,590,194.90	305,117.00

Resolution No. 179

RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2020 budget:

August 11, 2020	\$104,086.75
November 2, 2020	\$104,086.75

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolution, introduced by Councilwoman Mackey, seconded by Councilman Dardia was adopted by the following roll call vote:

Resolution No. 180

WHEREAS, on March 10, 2020, the Mayor and Council adopted Resolution Number 78-2020, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the properties:

Block	Lot	Street Address
2502	14	630 North Avenue West
2506	1	526 North Avenue West

2508	11	601-613 North Avenue West
------	----	---------------------------

as identified on the Official Tax Map of the Town of Westfield (the “Study Area”) to determine if such properties qualify as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “Redevelopment Law”); and

WHEREAS, the Planning Board retained the services of professional planning firm Topology (“Topology”), to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Topology conducted such investigations and prepared a report of its investigations entitled “*Preliminary Investigation, Lord & Taylor Sites, Westfield, NJ*” (the “Redevelopment Investigation Report”); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criterion, including criteria d and h under Section 5 of the Redevelopment Law, *N.J.S.A. 40A:12A-5*, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on July 20, 2020, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, at which time it heard a presentation of the Redevelopment Investigation Report by Mr. Philip A. Abramson, AICP/PP, principal of Topology and author of the Redevelopment Investigation Report, as well as comments from members of the public in attendance; and

WHEREAS, Mr. Abramson responded to questions from the Planning Board members and members of the public; and

WHEREAS, based upon the Redevelopment Investigation Report, Mr. Abramson’s testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Mayor and Council designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council accept the conclusions of the Redevelopment Investigation Report and the Planning Board’s recommendation and wish to designate the Study Area as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield that the Study Area described herein be and hereby is designated as a Non-Condemnation Redevelopment Area, pursuant to the Redevelopment Law.

Yeas: Habgood	Nays: LoGrippto	Absent:
Parmelee		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Councilman LoGrippto discussed his opposition to redevelopment designations because he feels they are a gateway to PILOT programs. Believes more discussion of this issue should have occurred.

Mayor Brindle referred to Mr. Abramson’s explanation of PILOT programs and asked Councilman LoGrippto to provide further clarification for opposing the redevelopment designation. Explained that voting for a redevelopment designation does not involve approval of a PILOT program but would enable further discussion as the process moves forward.

The following resolution, introduced by Councilwoman Mackey, seconded by Councilwoman Habgood was adopted by the following roll call vote:

Resolution No. 181

WHEREAS, on March 10, 2020, the Mayor and Council adopted Resolution Number 78-2020, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether certain real property, specifically Block 3107, Lot 1, located at 244-254 East Broad Street (the “Study Area”) qualifies as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “Redevelopment Law”); and

WHEREAS, the Planning Board retained the services of professional planning firm Topology (“Topology”), to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Topology conducted such investigations and prepared a report of its investigations entitled “*Preliminary Investigation, Block 3107, Lot 1, Westfield, NJ*” (the “Redevelopment Investigation Report”); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criterion, including criteria a, b, d and h under Section 5 of the Redevelopment Law, *N.J.S.A. 40A:12A-5*, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on July 20, 2020, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, at which time it heard a presentation of the Redevelopment Investigation Report by Mr. Philip A. Abramson, AICP/PP, principal of Topology and author of the Redevelopment Investigation Report, as well as comments from members of the public in attendance; and

WHEREAS, Mr. Abramson responded to questions from the Planning Board members and members of the public; and

WHEREAS, based upon the Redevelopment Investigation Report, Mr. Abramson’s testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Mayor and Council designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council accept the conclusions of the Redevelopment Investigation Report and the Planning Board’s recommendation and wish to designate the Study Area as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield that the Study Area described herein be and hereby is designated as a Non-Condensation Redevelopment Area, pursuant to the Redevelopment Law.

Yeas: Habgood	Nays: LoGrippto	Absent:
Parmelee		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

General Ordinance No. 2183

Regarding the following ordinance, Councilwoman Mackey made the following announcement:
I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2183 – AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD”

The motion was seconded by Councilwoman Habgood.

General Ordinance No. 2183 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: LoGrippto	Absent:	Recusal: Boyes
Parmalee			
Katz			
LoGrippto			
Mackey			
Contract			
Dardia			
Boyes			
Mayor Brindle			

Councilman LoGrippto discussed his opposition to General Ordinance No. 2183. Believes the Town should not be able to designate a property as historic without the homeowner's consent.

Councilman Boyes stated that he would recuse himself because his wife is a member of the Historic Preservation Commission.

Councilman LoGrippto asked Councilman Boyes why he did not recuse himself from the previous vote concerning this ordinance.

The Town Attorney explained that it is not legally required to recuse or abstain from voting on the introduction of an ordinance. Also stated that it would not be appropriate to discuss the legal reasons for recusing or abstaining from voting during a public meeting.

Heretofore introduced, General Ordinance No. 2183 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 8th day of September 2020 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

The following resolution, introduced by Councilwoman Mackey, seconded by Councilman Katz was adopted by the following roll call vote:

Resolution No. 182

WHEREAS, the Town of Westfield has in place an ordinance establishing a historic preservation commission and providing for the designation and preservation of historic districts and historic landmarks in the Town of Westfield; and

WHEREAS, the Mayor and Town Council introduced on first reading on June 30, 2020, certain revisions to that ordinance; and

WHEREAS, after its introduction, the Town of Westfield Planning Board reviewed the ordinance pursuant to its authority under the New Jersey Municipal Land Use Law; and

WHEREAS, subsequent to its introduction on first reading, members of the public, members of the Town's Historic Preservation Commission, and Town staff, recommended various changes to the proposed ordinance; and

WHEREAS, the Town Council's Code Review and Town Property Committee has discussed in its Committee adopting certain of those changes as amendments to the proposed ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Town Council of the Town of Westfield hereby amend G.O. 2183 for certain non-substantive technical and grammatical reasons, and as follows:

1. Section 4(B)(8) shall be amended to amended to indicate that, to the maximum extent feasible, at least one member of the HPC should own a property in a designated historic district or a designated historic landmark.
2. Section 7(M) shall be amended to make more explicit that minor work being undertaken by property owners of historically designated properties need not go through the formal certificate of review process.
3. New Section 10 of the ordinance, relating to demolition review for historic structures, shall be amended:
 - a. to clarify that the review process only applies to demolition applications for the removal, destruction or demolition of more than 75% of the applicable structure or building, and/or more than 25% of the façade;
 - b. to make clear that the special historic review process for demolitions is a zoning review that precedes other general demolition requirements;
 - c. to allow for informal HPC review of pre-1930 structures and those identified in the Historic Preservation Plan Element;
 - d. to shorten the timeframe for special historic review of demolition applications; and
 - e. to clarify that, even if a pre-1930 home meets the historic designation criteria, the HPC may recommend, but is not required to recommend, that the home be designated as historic.

Yeas: Habgood	Nays: LoGrippto	Absent:	Recusal: Boyes
Parmelee			
Katz			
Mackey			
Contract			
Dardia			
Mayor Brindle			

Due to the amendments to General Ordinance No. 2183, the ordinance will be re-advertised and a public hearing will be held on September 8, 2020.

General Ordinance No. 2188

Regarding the following ordinance, Councilwoman Mackey made the following announcement:
I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2188 – AN ORDINANCE OF THE TOWN OF WESTFIELD AMENDING THE DEMOLITION REQUIREMENTS OF THE TOWN CODE”

The motion was seconded by Councilman Dardia.

General Ordinance No. 2188 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: LoGrippto	Absent:
Parmalee		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2188 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 8th day of September 2020 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a

notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Public Works Committee

The following resolution, introduced by Councilman Contract, and seconded by Councilman LoGrippe, was unanimously adopted.

Resolution No. 183

WHEREAS, Volta is engaged in the business of designing, provisioning and operating EVSE Charging Stations. Volta desires to provide and operate EVSE Charging Stations at a location controlled by Town of Westfield, and to make the electricity available through those EVSE Charging Stations to individuals charging electric vehicles on the terms and conditions provided below.

WHEREAS, the Mayor and Town Council have strived to provide leadership and guidance on emerging topics important to the people of the Town of Westfield (the “Town”); and

WHEREAS, the Mayor and Town Council recognize the importance of supporting the use of alternative fuel vehicles in the interest of improving air quality and reducing noise, as well as to slow the effects of climate change; and

WHEREAS, the Mayor and Town Council anticipates a growing trend in the use of electric vehicles and the need for supporting electric vehicle infrastructure; and

WHEREAS, the Mayor and Town Council desires to provide the public access to electric vehicle charging stations at certain locations controlled by Town to support the adoption of electric vehicles, to help reduce vehicle emissions and otherwise promote a cleaner environment, and to attract individuals and economic activity to Town’s premises; and

WHEREAS, Volta Charging, LLC, 155 DeHaro Street, San Francisco, CA 94103, has offered to construct and maintain six (6) electric charging stations in the Town for use by residents, which it will do at no additional cost of the Town;

WHEREAS, the Town has deemed that the background, experience, and qualifications of the Respondent herein satisfies the criteria set forth in the RFQ; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby authorizes the Mayor to enter into a contract with Volta Charging, LLC as described herein; and

BE IT FURTHER RESOLVED that the proper Town Officials be, hereby are, authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

COMMITTEE REPORTS

ADJOURNMENT

A motion to adjourn, made by Councilman LoGrippe and seconded by Councilman Contract at 10:40 P.M. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk